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ABSTRACT

The future of affirmative action in higher education is considered in three papers. In "Age, Sex and Ethnic Trade-Offs in Faculty Employment: You Can't Have Your Cake and Eat It Too," Robert H. Linnell examines faculty employment forecasts and factors that could increase faculty openings. It is suggested that it is not possible to support a steadily aging, tenured faculty and extend retirement and create many opportunities for younger minorities and women faculty at the same time. The need to modify or abandon tenure is considered. In "You've Come a Long Way Maybe--or Why It Still Hurts To Be a Woman in Labor," Bernice Resnick Sandler considers major accomplishments improving the status of women in higher education, the backlash against women's rights issues, and undecided key issues. It is claimed that in every field, rank, degree level, and job setting, men earn more than similarly qualified women. In "Can There Be Anything Affirmative About Affirmative Action in the 1980s?" Frank Newman considers the national picture regarding affirmative action, what has been accomplished, and obstacles to progress. It is suggested that affirmative action is losing momentum, and that new efforts should be modeled not on the Office of Civil Rights, but on the Fund for the Improvement of Postsecondary Education. This approach would involve a shift away from the regulatory approach to reliance on incentives. (SW)

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(4) EMPLOYMENT PRACTICES IN ACADEME

Robert H. Linnell
Bernice Resnick Sandler
Frank Newman

HE 013 212

American Association for Higher Education

The American Association for Higher Education

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The theme of the 1979 National Conference was "The Academic Workforce: Opportunities for Renewal." Some of the papers prepared for presentation at the conference were selected by a review committee for publication in the annual conference series, *Current Issues in Higher Education*. Many of the papers in this series focus on the quality of worklife in academe and ways to improve it. In some cases, the papers have been revised by their authors and therefore differ somewhat from the actual conference presentation. They have not, however, been extensively edited or revised, since the purpose of the series is to disseminate the conference presentations as rapidly as possible. Points of view and opinions reflected in this series are those of the authors, not the Association.

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Employment Practices In Academe

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Introduction

The papers in this monograph were first developed as separate statements on the particular topics identified by their titles. Viewed together, they represent a dialogue about the future of affirmative action in American higher education.

The quality of this dialogue is enhanced by the fact that the authors are all strongly committed to the social-justice objectives of affirmative action, and they agree on the base lines of past achievements. Both Bernice Sandler and Frank Newman note that there has been an impressive amount of *activity* in behalf of affirmative action over the past decade. And both note that while gains have been made, enormous inequities persist. Appearances have outstripped results, and the reality of where women and minorities actually stand is sobering.

All three authors also agree that progress will be harder to make in the future. Both Newman and Sandler see a backlash. Both note that the easy victories of removing the grossest forms of abuse and discrimination have been made, and now we confront more subtle forms of discrimination. Robert Linnell describes the hard, new realities of employment: there simply aren't going to be position openings to advance all our causes. We can't support a steadily aging, tenured faculty *and* extend the retirement age *and* create many opportunities for younger minorities and women faculty at the same time.

Each author thus brings us to the issue of what political strategies we *can* use to make progress in the 1980s. Because these papers were developed independently, the authors don't explicitly join issue with one another. But their prescriptions are clearly different. Bernice Sandler calls for intensified commitment behind the regulatory strategies that have produced the gains in the past decade. Frank Newman calls for a shift away from this regulatory approach to reliance on incentives; new efforts, he suggests, should be modeled not on the Office of Civil Rights, but on the Fund for the Improvement of Postsecondary Education. And Robert Linnell concludes that we must modify or abandon tenure, the prop which keeps so many of our existing, middle-age faculty so secure in their positions. Together, these views offer the makings of a constructive national debate.

Age, Sex and Ethnic Trade-Offs in Faculty Employment: You Can't Have Your Cake and Eat It Too

By Robert H. Linnell

The word "trade-off" is critical to the theme of this paper. I am using it in the *Webster's Dictionary* sense: "an exchange; especially, a giving up of one benefit, advantage, etc., in order to gain another regarded as more desirable." This definition implies a conscious consideration of an option or options and a decision that it would be desirable to give up some current benefit or advantage for one or more of the alternatives.

The rational consideration of alternatives, a kind of cost/benefit analysis and selection of minimum cost/maximum benefit options, does not seem to be very popular today. It takes the form of a dilemma, a situation requiring a choice between equally undesirable alternatives when we make the trade-off today to ease a particular political pressure and do not consider the implications for tomorrow.*

The Age Trade-Off

In the age-versus-age trade-off, each over-age-65 faculty member who retains a full-time position will deprive someone else of a position—and that someone else will probably be a woman, an ethnic minority member, a young person, or a combination of these. In fact, one "beyond normal retirement" position generally deprives more than one "someone else" of a position, because the over-age-65 person usually has a senior position with a salary roughly twice that of the junior starting faculty; therefore, each continuing (beyond normal retirement) faculty member will deprive two junior faculty of positions.

We talk glibly about age discrimination and affirmative action. Discrimination is defined as differential treatment, making a difference in favor or against. Clearly, mandatory retirement (absolute retirement at some arbitrary age, such as 65) is discrimination against older people. But although the new federal law and proposals to eliminate mandatory retirement at any age make a difference in favor of older faculty, they result in discrimination against all those seeking faculty positions—women, ethnic minorities and younger people. As was already pointed out, those denied will outnumber those favored by as much as two to one. Thus, in solving one discrimination we have created another one.

Financial Implications

There are some other important considerations. Almost all faculty near or at the current "mandatory" retirement age—usually 65-70—have had a professional lifetime of 30-40 years to plan for their retirements; they have known for years what the retirement age was, and their institutions have retirement plans that provide fiscal contributions to retirement income. Although inflation has eroded some retirement incomes, it has also caused radical increases in many property values. Many near-retirement-age faculty own one or more homes and other property, most of which have appreciated in value (and Congress has now given older homeowners a $100,000 tax-free capital-gains allowance). Compare this position to that of aspiring younger men, women and minority "potential" faculty, who have a difficult time finding faculty positions and who often must settle for non-tenure-track positions, lower-paid, part-time teaching or staff positions, or non-academic jobs. They are *not* worrying about the large taxes they may be required to pay if they sell appreciated property. They are desperately trying to figure out how they can first raise the down payment and then make the huge monthly outlays required for a 10½-11 percent mortgage on a vastly inflated home price. We should not forget that the extension of the mandatory retirement age was voted in by a dominantly older, male legislature who were undoubtedly personally empathic with victims of age discrimination. These same congressmen have increased Social Security benefits over the years without much thought about the long-range fiscal implications; the new benefits are nice, but meeting the added costs is something else—another case of wanting to eat the cake and have it too. The impending bankruptcy of the Social Security system finally forced Congress to the twin actions of greatly increasing the Social Security tax and extending the mandatory retirement age to 70. I don't think we should kid ourselves into believing that an extension (or elimination) of age-related mandatory retirement solves the

*Frequently, the cure of tomorrow is worse than the disease of today. As an extreme example, consider AB 577, passed by the California legislature in 1963 and signed into law by then-governor Pat Brown. This bill provides pension benefits to California political leaders. Under the formula of this law, Max Rafferty, who served eight years as superintendent of public instruction under Ronald Reagan, now receives an annual pension of $42,500, which is equal to the annual salary of the current superintendent, Wilson Riles. However, if one assumes there is six percent inflation per year, this position will pay $70,000 annually in 1990 but the pension will be almost twice that, namely $132,000. Again at six percent inflation per year, the current governor of California would receive a pension of over $300,000 in 1998, whereas the incumbent governor would be paid $100,000 at that time.

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problem of age discrimination. What it does is to turn the problem of age discrimination against older people into the probably worse problem of age discrimination against younger people.

Career Implications

The denial of faculty positions to thousands of well-educated, vigorous young people will have a profoundly negative impact on their professional careers—a loss to the nation's future which is difficult to assess, but it must be significant. Perhaps an even larger long-term loss to the nation is the negative feedback to secondary school and undergraduate students who will not even consider academic careers. Many young college people have indicated to me some hostility toward what they feel are self-serving, status-quo attitudes of tenured faculty. A prominent government official recently told me he believed a primary factor in the increased congressional interest in the regulation of colleges and universities came from congressional staff. He pointed out that the number of congressional staff has greatly increased in the past decade; most are college graduates of the sixties and early seventies, and many are dissatisfied with the behavior of faculty. This is an interesting comment that merits more serious attention.

Faculty Employment Forecasts

There are a number of national demographic and enrollment projections and associated faculty requirement forecasts that document the extent of faculty employment problems. Although these vary in methodology and results, they all have one common feature—a pessimistic prediction of faculty demand in the eighties, especially after 1982, and perhaps extending throughout the nineties. Figure 1 shows the 1977 Census Bureau projection of 18-year-olds. Note that the number peaks in 1979 then drops sharply until 1986, increases slightly in 1987, 1988 and 1989, then drops drastically at least through 1992, beyond which time the change is small until the end of the century.

Enrollment forecasts are a bit more tricky, and faculty needs are even more uncertain. In Figure 2 the Carnegie Council's 1978 enrollment projections are shown.[1] These are based on the work of Cartter in 1976.[2] Note that the peak enrollment forecast is in 1982, with a steep decline thereafter until 1987, pause and slight increase in 1988 and 1989, and then another sharp decline until 1996 and possibly (by no means certain) increase thereafter. I will not examine here the assumptions about high school completion rates or college entrance rates. However, it should be mentioned that no radical increase in adult learners has been included. Estimates of the number of faculty can be based on the enrollment forecasts. The uncertainties are compounded, but the general picture emerging, regardless of which assumptions or whose results are taken, is an unfavorable one.

Figure 1. U.S. Census Projections, Number of 18-Year-Olds

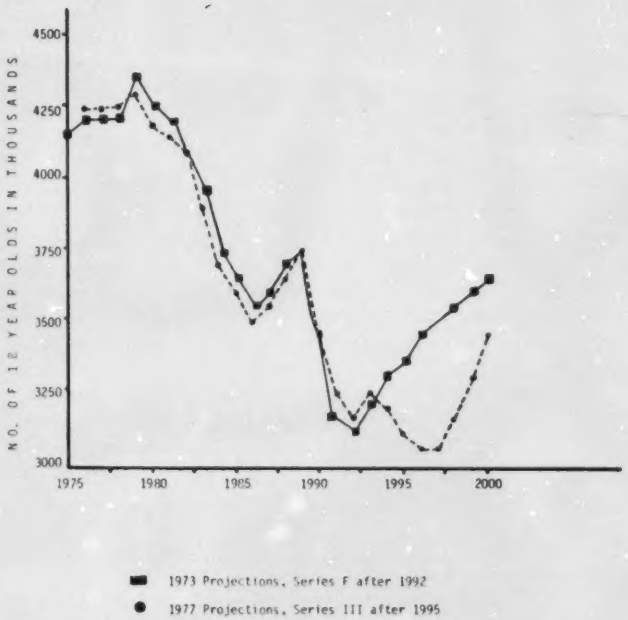
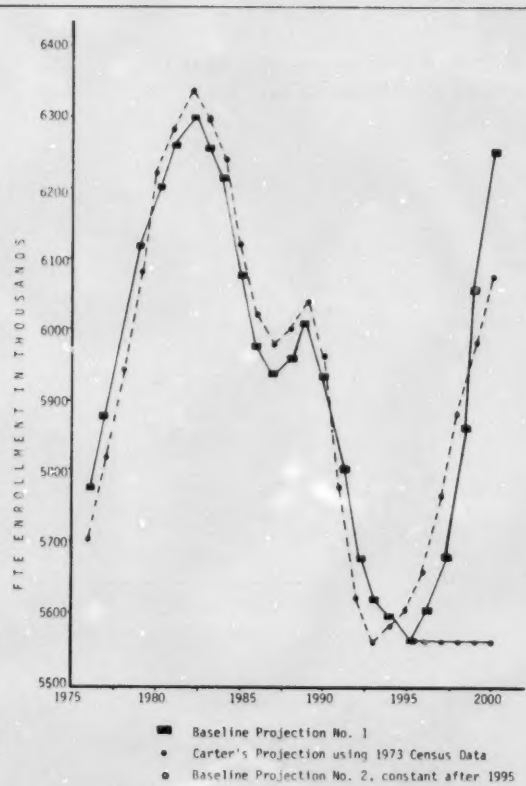


Figure 2. FTE Enrollment Projections, Carnegie Council Baseline Series



[1]Fernandez, Luis. *U.S. Faculty After the Boom: Demographic Projections to 2000.* Carnegie Council on Policy Studies in Higher Education; 1978 April. (Technical Report No. 6).

[2]Cartter, Alan. *PhD's and the Academic Labor Market.* New York: McGraw-Hill; 1976.

Figure 3. Projections of Doctorate Faculty Demand

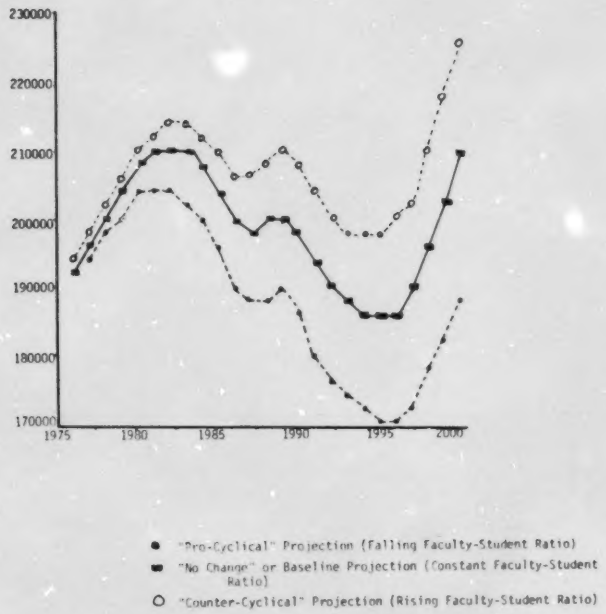


Figure 4. Projections of Median Ages of Tenured and Non-tenured Faculty

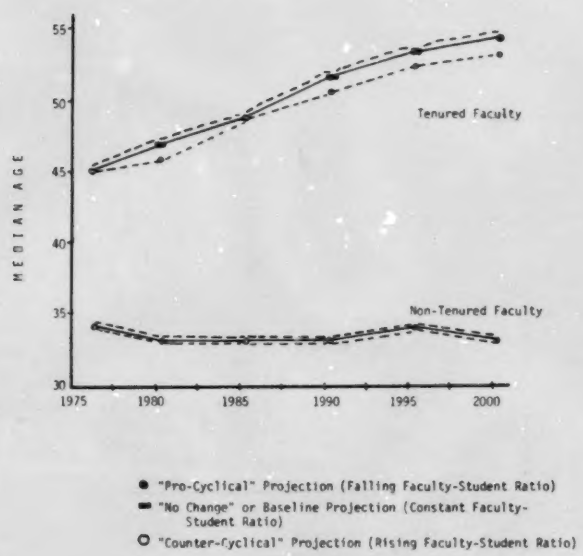


Figure 3 shows three Carnegie Council (1978) projections of doctorate faculty demand. Doctorate faculty demand peaks in 1982, then declines rapidly until it plateaus in 1988 and 1989, increases slightly in 1990 and then declines strongly to a plateau in 1995 and 1996 and thereafter may increase to beyond the end of the century. It should be kept in mind that the Carnegie Council projections are all based on doctorate holders, currently about 55 percent of all faculty. In spite of this limitation and a variety of interacting variables, these forecasts do provide a national perspective that is useful in thinking about policy changes.

The Carnegie Council Forecasts

In the Carnegie Council forecasts there are three scenarios: (1) *Pro-cyclical,* in which the doctoral faculty/student ratio decreases (pessimistic); (2) *baseline,* in which this ratio stays constant; and (3) *counter-cyclical,* in which this ratio increases (optimistic). The changes in total doctoral faculty demand from year to year range from as large as 7900 to negative 4400 per year, depending on the year and the scenario chosen. These numbers are not the numbers of new hires, since some faculty leave due to denial of tenure, death, or retirement; and those who quit may be leaving academia, whereas others are taking an academic position at another institution. This latter group must be subtracted from total new hires to arrive at positions available for new doctorates. The combination of the number of continuing faculty, promotion and tenure rates, quits, deaths, retirements, and hiring policy (rank, age, sex, ethnicity, salary) and total faculty requirements provides a large number of interacting variables. The Carnegie Council results are as follows:

Figure 4—The median age of tenured faculty increases rapidly in all three scenarios, whereas that of non-tenured faculty remains approximately constant. (Most non-tenured positions are "churning"—young people don't stay long enough to get old.)

Figure 5—The tenure ratio increases rapidly in all three scenarios.

Figure 6—New doctorate hires decline in all three scenarios until 1995 and may increase thereafter.

Some perspective on new doctorate hires can be obtained by looking at the years of rapid expansion, 1961-70. The average number of new hires was 10,800, compared to an estimated 10,400 in 1978 and an average of 6,400 per year under the baseline projection (shown in Figure 6) between 1983 and 1998. Under the pro-cyclical forecast, which may be the most probable, new doctorate hires will be even less, by about 20 percent. In the 1961-70 era of expansion, total annual production of new doctorates increased from 10,600 to 29,900 (compared to the average new doctorate hires of 10,800 per year); thus 60 percent of all these new doctorates were hired back to academe. However, in the 1979-88 years, new doctorates are projected to be about 400,000 and the new doctorate hires projected in the baseline forecast are about 80,000—thus, the faculty market would be about 20 percent of the doctorate production.

Figure 5. Projections of Tenure Ratio

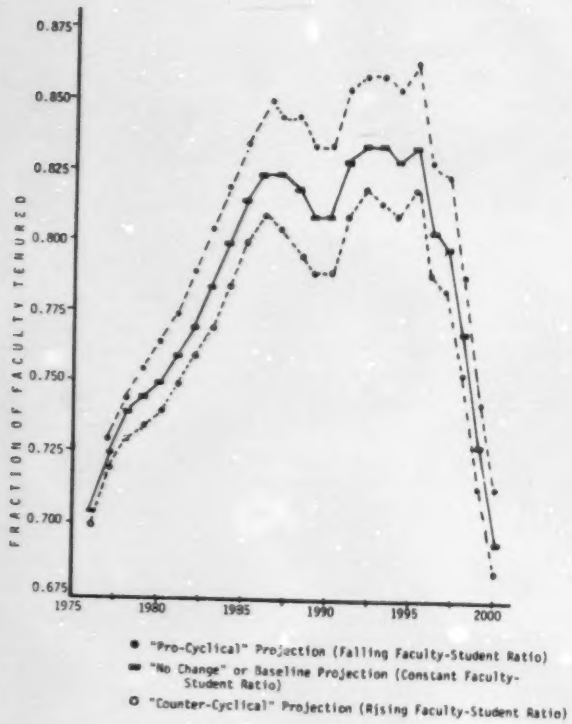


Figure 6. Projections of New Doctorates Hires

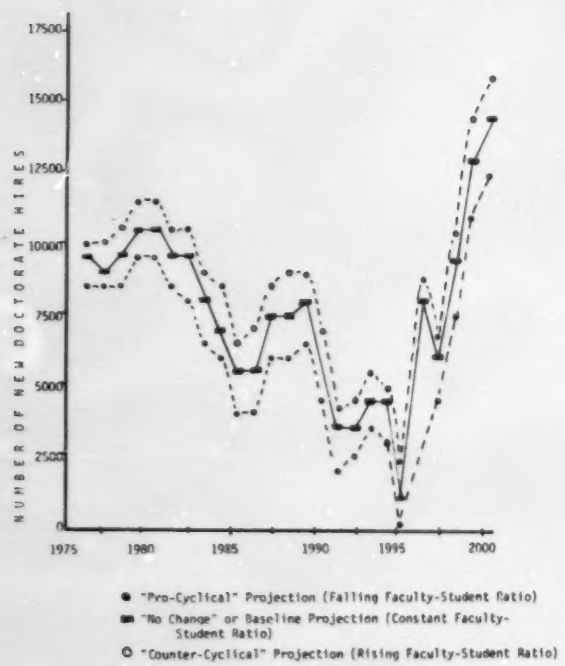
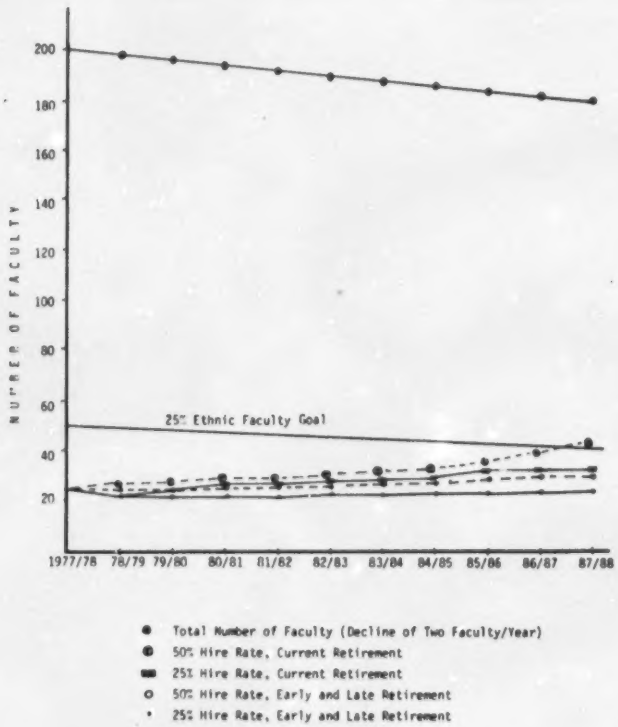


Figure 7. Affirmative-Action Goals At a Community College



Increasing Faculty Openings

There are many interesting details in these projections and in how they change under different assumptions. Our interest here will be to present summary results and apply them to our trade-offs discussion. Basically, there are only two ways in which faculty openings can be increased. One is by a large expansion in adult enrollments. The other is by removal of presently tenured faculty—for example, by increasing retirement and/or quit rates. The new laws counteract this option by raising the retirement age. Trying to increase the openings for new doctorates by instituting policies affecting the non-tenured faculty only increases "churning"—new doctorate faculty coming in and out. Tenured faculty quits may be encouraged by the lower-than-inflation faculty salary increases (which may encourage the best tenured faculty to leave); by an evaluation process which would, hopefully, encourage the "deadwood" to early retirement or to leave for other types of employment; and by early-retirement incentives. Some rough estimates of the potential magnitude of tenured faculty quits would be useful in developing policy. The Carnegie Council studied low, medium and high quit rates for both tenured and non-tenured faculty and concluded that although increasing quit rates of tenured faculty does help to minimize or even reverse the adverse effects of declining faculty demand, these benefits risk a deterioration in the overall quality of faculty caused by larger quit rates. The Council uses a mean high quit rate of tenured faculty of 2 percent per

year, 1 percent for medium quit rate, and 0.5 percent for low quit rate. These rates seem low from our experience in working with a limited number of specific institutions. It would also seem quite possible, with a good evaluation program, to selectively encourage "quits" of the really poorly performing tenured faculty, thereby *increasing* the quality of faculty—a conclusion opposite to that of the Carnegie Council. The turnover rates (annual new hired as a percent of total faculty) projected in the Carnegie Council studies range from 2.3-5.0 percent for their "low" tenure quit rate scenario, 2.8-5.2 percent for their "medium" rate and 3.2-5.6 percent for their "high" rate from 1976 to 1995. Our studies indicate that a minimum turnover rate of 5 percent is desirable. At my own institution, the total tenure quit rate has been 3-4 percent over the past five years and 18-20 percent for non-tenured faculty with no special incentives. These rates include retirement and death—.33 of the tenured quits have been retirements and .08 were due to death.

Salary Structures

Another factor affecting trade-offs is the way we use our resources. Many educational institutions have had a problem with internal inflation of faculty salaries. I define internal inflation as a cost increase which exceeds the external inflation. In faculty salaries it is caused by an increasing proportion of higher ranked and/or higher-salary-step faculty. Internal inflation happened recently because of little or no growth in total faculty and poor management control of salary-step and rank promotions. During the rapid expansion of faculty in the past 20 years, we sometimes had internal deflation—actual average faculty salaries increased *less* than the external inflation because we were hiring large numbers of new junior (and low cost) faculty. As an example, Table I shows a typical salary scale for four academic ranks with five salary steps for each, a total of 20 different salary-rank levels. Consider the following examples:

A. 100 faculty equally distributed, 5 in each of the 20 salary levels. The average cost per faculty member would be $18,324.

B. 100 faculty: 6 Instructors, 2 each in steps 3, 4, and 5; 20 Assistant Professors, 2-step 1, 3-step 2, 4-step 3, 5-step 4, 6-step 5; 30 Associate Professors, 4-step 1, 5-step 2, 6-step 3, 7-step 4, 8-step 5; 40 Professors, 6-step 1, 7-step 2, 8-step 3, 9-step 4, 10-step 5. The average cost per faculty member would be $20,811.

We have found schools with faculty distributions like our example B. The average faculty cost for B is 13.6 percent more than for A. We also have found some schools or departments with faculty distributions less costly than A; likewise we find some more costly than B. In addition to the added cost of faculty distributions like B, there is also a morale problem. For example, one school at a university we studied, with a faculty of 100, has 60 percent of its faculty as full professors, and one-half of them are in the highest salary step. Most of these faculty are still at mid-career (i.e., 10-20 years before retirement). Both faculty and administrators indicated to us that there is poor morale because of lack of advancement opportunity—resulting in increased commitment to activities outside the institution.

Retirement Policies: Effects on Employment and Enrollment

Faculty retirement has become a special concern. The increase in the mandatory age (and possibly its elimination altogether), coupled with high tenure rates and the declining faculty market has made it urgent that we review both early and late retirement options. The effect of increased age on faculty vitality, especially beyond 60 and 65, is a debatable issue. Although there are creative and productive faculty who are 65, 70, and even 75 and 80, the preponderance of research evidence indicates that vitality does decline on the average at higher ages—and this decline increases with age, especially beyond 60 or 65.[3] If this is true, humane processes are needed to retire those who should retire and to retain those who are still productive. I don't think we currently have such processes.

How important is the retirement issue? The Carnegie Council explored three scenarios: the no change reponse (NCR), the mild response, and the extreme response (XR). Under CR faculty would retire at the old normal age and under XR all retirements would take place at age 70. The mild-response scenario assumed a middle ground between the other two. The Council reports that generally no large changes are found among the three scenarios and concludes that late retirement is not very detrimental (the XR scenario results in about 8 percent fewer positions than the mild response), but neither is early retirement very helpful. The Carnegie Council report concludes that the best way to provide a smooth flow of young doctorates into academia is either to smooth faculty demand during the next two decades or to provide alternative "academic-like" employment until colleges are capable of absorbing an increasing number of young faculty.

[3]Lehman, Harvey C. *Age and Achivement.* Princeton University Press, 1953.

Bayer, Alan E.; Dutton, Jeffrey E. "Career Age and Research—Professional Activities of Academic Scientists." *Journal of Higher Education.* 1977; 48 (3): 259-282.

Table I. Faculty Rank-Salary Schedule

Rank	Step 1	2	3	4	5
Full Professor	23,023	24,366	25,079	27,051	28,394
Associate Professor	17,617	18,306	18,996	20,338	21,681
Assistant Professor	14,411	14,980	15,549	16,248	16,927
Instructor	11,567	12,136	12,705	13,273	13,842

I don't believe these solutions are either realisitic or very helpful. I think that higher education will only receive significantly more resources from the taxpaying public if it either radically improves its service to society or expands its market by greatly increasing lifelong learning, or both. At the moment I don't see either happening to an extent that will have significant impact on society, and thus on our resources. I reluctantly conclude that we will be constrained to live with existing resources which may, in fact, increase at a slower rate than inflation. Furthermore, the national projections mask a lot of differences among our diverse institutions. Discipline differences can also cause problems; today we may be forced to terminate faculty in humanities or social sciences at the same time we search desperately for faculty in business or electrical engineering.

Tomorrow there may different surpluses. For a few institutions, the situation is a bit better than the national forecasts indicate—for them enrollments may increase somewhat or remain steady. However, for many institutions the future will probably be much worse—enrollments will decline more precipitously and this will exacerbate faculty problems. Some institutions will not survive, and many others face a bleak future.

Let me give an example using changing retirement ages. We studied a university arts and science faculty of 292 with an early retirement plan in which 10 percent of the faculty retired at ages, 60, 61, 63 and 64, 20 percent retired at 62 and the remainder retired at 65. With a continuation of all other current policy and practice (tenure, promotion; age, rank, salary of new hires, etc.) and a steady-state over ten years, there would be 152 new hires, 62.6 percent of the original faculty would start the eleventh year, and the "churning factor" would be 1.39 (total number of openings over ten years divided by original faculty departing). When we extended retirement to age 72 (assuming 5 percent retired at 62; 20 percent at 65; 10 percent at 66; 15 percent at 67, 68, 69; 50 percent at 70; 25 percent at 71; all of the balance at 72) and decreased the total number of faculty by 1 percent per year, we had 74 new hires over the 10 years (a decrease of 51 percent) and 79 percent of the original faculty remained to start the eleventh year. This example illustrates that retirement ages, interacting with a total number of faculty, can have a major impact. Since mandatory retirement will be extended to at least age 70 and some faculty will undoubtedly want to stay on, institutions with significant enrollment declines (and concomitant decline in total faculty) will be much more adversely affected. New hires can drop to zero in some years—this will make it much more difficult for such institutions to bring in the new people they may require for increasing program vitality. The lack of new faculty in these new cases will be a negative factor which may cause further enrollment decline, creating a cycle of continuing deterioration which could destroy an institution.

Retirement Policies: Effect on Minority Hiring

The difficulties in reaching affirmative action goals can be illustrated by our study of a community college. This college is located in a metropolitan area with a 25 percent minority population. The current faculty of 200 is 11.6 percent minority. The college feels it should have a faculty approximating the minority composition of the community served. The faculty is highly tenured and over one-half are at the top salary level. Enrollments are slowly declining, and the total faculty will be decreasing. Hiring 25 percent minority faculty, with a loss of two faculty positions per year (approximately 1 percent) and *without* late retirement (at this institution retirements start at age 55), would allow for 18.5 percent minority faculty in ten years. With a 50 percent minority-hire rate and by decreasing total faculty (two positions per year) the 25 percent goal can be reached in ten years; however, adding realistic late retirement (retirement starting in the late fifties and extending to mandatory at 70) reduces the minority faculty to 20 percent after ten years even with a 50 percent hire rate. Some of these effects are illustrated in Figure 7. This institution illustrates the trade-offs quite dramatically. Current faculty, almost all tenured, are virtually assured lifetime positions (poor performance is not important), and minorities, women and young people have very little opportunity to secure positions. As suggested earlier, such a situation may insure the decline of the college.

Are these situations unusual? Are they necessarily bad? No, I don't think they are that unusual and yes, I think they are bad. Perhaps some few institutions should close but I feel that society could use more, and not less education. Higher education is important to the future of humankind. As we become increasingly aware that we must learn to live in a resource-constrained world, education could and should play a more important role. The trend at the moment seems to be in the opposite direction. What can we do?

Today all types of faculty or faculty-like opportunities that are not tenure track are on the increase.

What Are the Trade-Offs?

Given the situation of fluctuating and generally declining clientele, continuing inflation, plus mandates to practice affirmative action while simultaneously protecting the older faculty from age discrimination, what trade-offs can be made? One option is to hire faculty not on tenure track. Today all types of faculty or faculty-like opportunities *that are not tenure track are on the increase.* Last fall the *AAUP Bulletin* published a committee report on full-time non-tenure-track appointments.[4] This report states that the increasing number of non-tenure-track-appointments is, (1) unjust and inequitable, (2) a threat to academic freedom, and (3) unnecessary. I agree with reason one but I am not convinced about three. Non-tenure-track opportunities are necessary *if* we are to continue tenure as *it* presently operates. The AAUP report does suggest the alternative of ". . . work out a rough formula which takes into consideration such factors as current and projected

[4]Thomson, Judith J.; Sandalow, Terrance, "On Full-Time Non-Tenure-Track Appointments." *AAUP Bulletin.* September 1978; 64(3):267-273.

enrollment, relative centrality of the field in the institution's educational program, tenure percentages, and the like." This seems like a weak proposal which begs the issue. The real problems are that the number of faculty positions is now expanding only slowly and will soon decline, and we have an increasingly highly tenured faculty of varying competency in generally rather rigid disciplinary slots. Furthermore, our lifelong learning efforts are usually hampered by the second-class status of continuing education, the lack of regular faculty appointments, and the use of part-time faculty or regular faculty on overload. The system is unjust and inequitable (as stated by AAUP) because the part-time and non-tenure-track people cannot be considered for tenure-track positions no matter how competent they are or how outstanding their performance; likewise, tenured people generally are not terminated, no matter how poor their performance. This is a discouraging, demoralizing situation that will surely cast a cloud on the future of higher education.

We can continue to support a steadily aging, increasingly inflexible, expensive, tenured faculty while keeping promising young and/or female and/or minority doctorates in some kind of holding pattern, or we can openly or tacitly abandon the tenure system and its protection of academic freedom.

Thus, we are faced with a dilemma, defined earlier as a choice between equally undesirable alternatives. We can continue to support a steadily aging, increasingly inflexible, expensive, tenured faculty while keeping promising young and/or female and/or minority doctorates in some kind of holding pattern, or we can openly or tacitly abandon the tenure system and its protection of academic freedom.

We cannot eat our cake and have it too. The first step to coping with these problems is to accept this basic fact. As responsible individuals, both older faculty and administrators should work to create more faculty positions. Many older faculty should retire; others could teach part-time or go into other work. There is no law that prevents beyond-normal-retirement-age people from continuing to work *without* salary, which would free their positions for younger people. I have known faculty who did this.

Tenure is an issue whose time has arrived. It seems to me that we have two choices—either make tenure work (as it always was supposed to) or we will lose it (perhaps to something less desirable). To make it work, we need some kind of performance evaluation, which should be designed to assist faculty who are not at acceptable levels of performance to improve. But we must also face the fact that some won't or can't improve; ultimately, some deadwood must be terminated. This will not only create new positions, but it will improve quality. These will be difficult decisions, but if we don't make them all of academe will suffer. It is essential that we revitalize higher education—that the tenure concept be used to protect academic freedom, not the incompetent or those who would make a mockery of it. And if we would enhance lifelong learning, we must give full academic status to those who devote their academic lives to continuing education and adult learning. This could be a major new thrust for higher education, but it won't be unless we cope with the academic status problems.

I do not advocate discrimination of any type—age, sex, ethnic, religious, etc. We need to remind ourselves that the ultimate goal of all affirmative-action programs is for them to self-destruct because they are no longer necessary. In the interim, we can't eat that cake and still have it too. Currently, we do have a general lack of any effective mechanism for removal of unproductive faculty of any age. With the extension of mandatory retirement age this problem will get worse and will inevitably cause a decline in academic vitality at a time when it is critically needed. We will increasingly deny younger faculty career opportunities, and many talented younger people of both sexes and all ethnic backgrounds will seek better opportunities outside of academe. The consequences could be disastrous for the university and tragic for the nation.

I believe that if our faculty were more diverse—a good mix of various ages, more females, more ethnic groups—there would be a better chance that more people would share in the joy of learning, and that we would have more college graduates facing a changing world with optimism and confidence.

In conclusion, I am urging both more realism and more idealism. The realism urges a stop to hand-wringing and positive action to do more with current resources. We can't expect taxpayers to provide additional funding when they know we aren't making a good effort to use what we have. We must give young people and women and minorities more opportunities for academic careers. And, finally, we need to dream of a future beyond our resource-throw-away industrial society, a society in which education can be a dominant motivating factor for people of all ages regardless of ethnicity, sex or religious beliefs.

You've Come a Long Way, Maybe--or Why It Still Hurts To Be a Woman in Labor*

By Bernice Resnick Sandler

Seven Lean Years or Seven Fat Years?

Seven years ago, I addressed members of the AAHE on what constitutes equity for women in education. Seven years ago was 100 years ago in female time. When I reread that speech recently, I found it both exhilarating to realize the changes which have occurred and quite depressing to realize how much still needs to be done. I thought it would be useful to assess some of the progress we have made and the problems which remain.

I am not sure if we have just finished seven fat years or seven lean years. Certainly, much has happened since the Executive Order (which prohibits contractors from discriminating in employment) was first enforced in 1970. The year I gave that speech, 1972, was a banner year for sex-discrimination legislation. Title VII of the Civil Rights Act was amended to cover employment in educational institutions. The Equal Pay Act was amended to cover executives, professionals, and administrators, which included women on faculties. Also enacted was Title IX of the Education Amendments, which covers employees and students in all federally assisted educational programs. In all, 1972 was a year of promise and hope. The women's movement had developed an ideology and documented the poor position of women on campus and elsewhere. The data confirmed what many of us had only vaguely suspected—that discrimination was real and that the status of women was distressingly the same on campus after campus. Women were energized; campus commissions and women's organizations proliferated, and charges of sex discrimination were filed at institution after institution. Indeed, more charges of sex discrimination were filed against institutions of higher learning than against any other industry in the country.

What happened as a result of this activity? Today there is hardly a campus that does not have a committee on the status of women. Most institutions have ended overt discriminatory policies. Today no one would write a letter like the one written several years ago by the head of a department in a prestigious New England institution: "Your qualifications are excellent but we already have a woman in this department." Many institutions have affirmative-action plans on paper, even if these rarely result in marked changes in the institution. Thousands of women have received equity adjustments totaling several million dollars, even in this time of budget constraints. Some women have been promoted, and in some instances, particularly in departments that had no women at all, a woman has actually been hired.

*Another subtitle of this paper might be, "These are times which try men's souls"—of course the word "men" applies to women as well, as these are times which indeed try women's souls as well as those of men.

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In every field, at every rank, at every degree level, in every employment setting, men earn more than similarly qualified women.

The Overall Employment Picture

All of this is to the good; however, the few statistics that our Project has been able to gather indicate that there has been little change in the overall employment picture. With the current financial crisis in higher education and the subsequent cutbacks in some faculties, many women have *lost* positions; being less likely to have tenure, they have been terminated first. In fact, in some institutions, after several years of affirmative action, the number of women faculty has *decreased*.

Here's a small list of horrors:

- Although there has been an increase in the number of women at the assistant professor level, these gains are not matched by gains in promotions; there has been no comparable gain in the tenured ranks.
- In 1977-78 the modal rank for men was full professor. For women the modal rank was assistant professor.
- In 1973 the salary gap between academic men and women was 16.7 percent. In 1977 it was up to 20.5 percent and still widening.
- There are several indications that a far greater percentage of women than men are hired for non-tenure-track positions.
- Women are still promoted more slowly than men.
- The unemployment rate for women PhDs in the sciences and social sciences is two to four times that of men.

While there is no doubt that in many fields there is a supply problem, supply is not the main problem: women who are already in the "qualified pool" simply do not fare as well as their academic brothers. The general employment pattern for women is distressingly the same as it was in 1972:

- The higher the rank, the fewer the women.
- The more prestigious the field or the school, the fewer the women.

• In every field, at every rank, at every degree level, in every employment setting, men earn more than similarly qualified women.

Most women in administration belong to the "Triple A" club: they are assistant to the dean, assistant dean, or associate dean.

At the administrative level, the picture is equally bleak. In the rarified atmosphere of upper administration, women are almost entirely absent. Consider the following:

• The higher the prestige of the job, the fewer the women. Women rarely hold the powerful administrative positions of vice president for academic affairs or dean of the faculty. The few that hold a vice presidency are most likely to be in student affairs, a position of less prestige and one which rarely leads to a presidency.

• If one looks at the few women who have somehow entered the inner sanctum of administration, one finds that they are not at the top, but at the bottom of the top. They are rarely college presidents, unless they had the good sense to get themselves to a nunnery first, so that they could head a Catholic institution.

• Only 6.8 percent of college presidents are women, and most of these are at women's colleges.

• Men hold 84 percent of the administrative posts.

• Ninety-five percent of all college students attend institutions where all three of the top administrative positions—president, chief academic officer, and dean—are held by men.

• Only 15 percent of the more than 47,000 members of university and college governing boards are women.

• The slight increase of women in administrative posts has been more visible than actual. A Hannah Gray as President of the University of Chicago is not so much a symbol of women's progress as an exception to the general rule.

• Most women in administration belong to the "Triple A" club: they are assistant to the dean, assistant dean, or associate dean.

We have a visible president here and there. However, women, like minorities, are seen as representatives of their sex. *One* woman is successful and everybody says, "Women have made it." Or, conversely, *one* woman fails and we hear something like "Women just can't cut the mustard." When I hear that kind of comment, I am always tempted to say, "I once had a man work for me, and he was terrible. I don't think I'll hire a man again."

Moreover, the salaries of the few super women who managed to get a foothold in administration are not comparable to those of men in administration. Women, both white and minorities, were paid only about 80 percent as much as men with same title employed by the same type of institution. In fact, the pay differential increases with experience because women are not often promoted.

What is striking about figures concerning women in administration is not that women are absent altogether, for they are not, but that they are absent in the top ranks of administration. At the lower levels of administration, women begin to appear. The 1975-76 study by the College and University Personnel Association (CUPA) showed that in private institutions women comprise 38 percent of the registrars, 38 percent of the chief librarians, 46 percent of the affirmative action officers, 37 percent of the directors of student placement, and 28 percent of the directors of student financial aid.

Note, as mentioned earlier, that *the lower the prestige of the job, the higher the percentage of women.*

Anti-Discrimination Measures and Outstanding Issues

Enforcement of federal laws prohibiting discrimination has been limited. Despite myths to the contrary, not one penny of federal dollars has ever been taken away because of sex discrimination. In fact, even the few times federal dollars were delayed temporarily occurred because of procedural non-compliance, such as not having a written affirmative-action plan, and not because of sex discrimination. Enforcement of the Executive Order and Title IX by the Department of Health, Education, and Welfare (HEW) was so bad that several women's organizations, spearheaded by the Women's Equity Action League (WEAL) sued HEW and won.

What did we win? We have a series of procedures to insure that the government will investigate complaints, which they were required to do all along but hadn't been doing. Additionally, the government will follow certain time frames; they will notify institutions when complaints are received, etc.*

A major problem with HEW has been policy inconsistency, particularly with Title IX. It is important that the government make consistent decisions and get them out. For instance, under Title IX, athletics is a major issue and it is important to know whether a particular sport is a contact sport or non-contact sport because they are treated differently. Contact sports can be limited to men only. Soccer is a relatively new sport in schools and it became important to find out whether soccer was or was not a contact sport. Depending on whom one asked at HEW, one could get different answers. One official said "Soccer is *not* a contact sport." If you didn't like that answer you could pick up the phone and call another official, who would say "Soccer *is* contact sport"; if you wrote still another official, your answer would read, "HEW doesn't make that decision; it's up to the individual institution."

This story is not apocryphal; it is true. The National Coalition for Women and Girls in Education went to Joseph Califano, Secretary of HEW, with this story and obtained a promise that the Office of Civil Rights (OCR) would get its policies in order and develop a dissemination system by September 30, 1977. September 30, 1977 came and went, and we are still waiting to find out what the policies

*Partly as a result of that suit, and other reasons as well, enforcement of the Executive Order in academe was transferred from HEW to the Department of Labor in October 1978. The Department of Labor has always had responsibility for Executive Order policy, but HEW had responsibility for the actual investigation.

are and what procedures OCR will use so that people will know what the policies are.

Undecided Key Issues

Many issues are still undecided. Some of them are going to be settled by the courts, some of them will be settled by the executive branch and some by the Congress. Those settled by the executive branch and the Congress will tend to be most vulnerable to political pressures from institutions and women's groups. Among the issues to be decided is the question of due process for institutions (not individuals): if the government is about to cut off funds to an institution, how should it be done? What constitutes a fair process? I want to point out again that *no dollars have ever been withheld because of failure to comply with Title IX,* but should it happen, how should it be done?

Would all funds get cut off, or merely some? Although the question has never been put to the test, it is an interesting one and probably will be solved by the courts.

Another issue is whether Title IX covers employment as well as students. Several cases have been decided in the lower courts, exempting employment from Title IX. Ultimately, the Supreme Court will resolve this issue. Several cases are now under appeal.

The Supreme Court recently decided an individual can go into the courts under Title IX and sue an institution directly. Having the right to sue, however, does not guarantee good decisions from the courts. Many of the employment suits under other laws are going very badly for women. Women's groups are no longer encouraging women to sue as a means of dealing with discrimination. It costs a good deal of money, it takes several years, and the chances of winning are not good.* The courts have been very reluctant to interfere with academic judgment. Somehow academic judgment is not seen as part of an employment procedure but as something mysterious and not to be tampered with. The argument is made that the academic setting is unique and very different from other employment settings; thus, academic institutions should be treated somewhat differently than other employers. This argument has arisen again and again in attempts to weaken regulations and legislation which have given academic employees the same rights and protections as other employees. Women's groups strongly oppose having different rules for academic employees; treating people differently usually means that the rules become weaker rather than equal.

Other issues still to be resolved are pensions, grievance procedures and athletics. Not only will the courts decide many issues affecting women in higher education, but many of these will not be academic cases to begin with, such as the *Weber* case, which challenges voluntary quotas.

*Professional women have a 33 percent chance of winning an employment discrimination case; for non-professional women, the chances are 66 percent.

The Backlash Against Women's Rights Issues

What is certain is that the backlash against human-rights issues, particularly women's issues, is increasing. The anti-ERA movement, the anti-abortion movement, the anti-regulation movement, and a piecemeal chipping away of Title IX are all indications of increased backlash and increasingly well-organized backlash. Some of it occurs because women have been successful. Indeed, it is a compliment to women, although it's a compliment we could well do without.

Higher education's own attitude toward affirmative action has been somewhat schizoid. On the one hand, there is much opposition to affirmative action in hiring, particularly for women, and much confusion over goals and timetables. Indeed, higher education has been among the most vocal opponents of affirmative action. Yet in the *Bakke* case we saw higher education actively supporting preference for minority admissions—a preference which, had it occurred in employment, would have been clearly illegal.

The backlash arguments follow several well-defined lines. One of the loudest arguments is put forward by the traditionalists. Our society is changing very rapidly because of increased technology and other reasons; these changes cause stress and uneasiness for many people who would like to return to an easier, more simple time.

The women's movement, which is in part a response to the changes in society, is instead seen by the traditionalists as the *cause* of many changes. Yet the women's movement did not cause the tremendous increase of women entering the work force. It just made women feel better about their decision to work. At this point one could say that the ideology of the women's movement has caused more changes in attitude than actual behavior.

This type of backlash, particularly against ERA, abortion, and other feminist goals, comes from those who believe that such notions threaten the fabric of our society. The arguments are virtually identical to those used to oppose women suffrage more than 50 years ago—the whole family would fall apart if women got the vote, and now the whole family will fall apart if the ERA is passed—despite the fact that the Equal Rights Amendment would do much to strengthen the family.

Another argument is put forward by the anti-Washington, anti-regulationist camp. Its followers also have difficulty in accepting change, but their language is different. They believe in equal rights, they are all for affirmative action, but they don't want Washington to do anything to accomplish these goals. They believe that affirmative action and non-discrimination can be achieved best on a voluntary basis.

They are concerned with the *effect* of the law, particularly when it requires that procedures change. After all, they know best which procedures work in academe. These people also talk about the vast amounts of paper work, and I will say that some of their complaints are legitimate. However, they rarely talk about the benefits of having adequate data for sound management and fiscal planning, the benefits of having due process for employees as a result of federal requirements, or the ne-

cessity to develop procedures which truly insure that all persons are hired and promoted on the basis of merit.

The third group of opponents can be called the anti-affirmative-action crowd. These people are convinced that goals and quotas are identical, that universities and colleges are giving sweeping preferences to women and minorities despite contradictory data.

It is beyond the scope of this paper to discuss the differences between quotas and goals, but certainly confusing the two has hurt affirmative action a good deal.

Still another argument—one which is used with increasing frequency—is the "biological" one. Sometimes it will be couched in terms of the biological needs of children for their mothers.* This argument is most likely to be raised as more women seek more professional jobs. It is rarely raised when poor women work, or when nurses work weekends or evenings. (No one ever says his secretary should quit working and stay home with her children). The biological argument will also take the form of channeling women into traditionally female fields such as teaching, nursing, and clerical work, because of their supposed "biological" propensities for nurturing, small details, etc. It is and will be used to "keep women in their place"—in low paying jobs.

Major Accomplishments of the Past Decade: Is the Past Prologue?

But the news is not all bad. One of the most important changes in the past decade has been the legitimation of women's issues as an area of concern in higher education. Women throughout the education community have organized to press for better policies and programs. More than 100 professional organizations have a women's caucus or committee. In several states women have created statewide organizations of women faculty. Most campuses have a committee or commission to deal with women's issues. Women students have organized to a lesser degree, but nevertheless have pressed for campus improvements in such areas as health services and the elimination of sexual harassment by male faculty. Very hopeful, too, is the marked increase of women going back to school and the increase of women at the graduate level, and in medicine, science, and the law. However, despite these gains most women continue to prepare themselves for traditionally female fields such as education.

Most important, perhaps, is that we now have a national policy in place, and that is a major accomplishment. Although there may be some chipping away here and there, there is no way that the Congress can eliminate all of the legislation. It is probably the most comprehensive national policy in the world regarding discrimination against women in the workplace, and women and girls in the schoolroom.

Slowly but surely, the overt discrimination is ending. We are now fighting the subtle forms of discrimination, and these are harder to identify, far harder to prove, and much harder to deal with and remedy. Moreover, men and women often view the subtle forms of discrimination very differently. Men often find it easier to acknowledge and understand *overt, intentional* discrimination. When overt barriers are dismantled, such as a department chair no longer excluding women from his department, men are convinced that the problem is fully solved. Women, on the other hand, often view discrimination as being more than just the formal barriers; they see a whole host of subtle behaviors that have a discriminatory effect. Thus, women may view social behavior, such as male faculty always having lunch together, as having a discriminatory effect, because women are excluded from such informal sources of information and the subsequent opportunity to learn more about their profession. Men tend to overestimate the progress which has been made; women tend to *understate the progress.* Men often think in terms of how far we have come; women in terms of how far we have yet to go.

For these reasons, measuring the "success" of the women's movement in academe is like looking at a glass of water which is half empty, or half full, depending on your perspective. Moreover, success in this arena, as in all social movements, cannot be measured in terms of total victory, but can only be assessed in terms of increments of change. There is no question that remarkable progress has been made in a short span of time. But it is equally clear that all we have done is taken the first step of a very long journey, a journey that will in all likelihood take several hundred years.

It is unfortunate that academe is a "declining" or, at best, a "steady-state" industry. Women and minorities usually move into better jobs in a time of labor shortage, such as when an economy is expanding, or during a war. It is not likely that we will see marked changes for them in higher education. But then again, social revolutions generally are slow processes. Some sociologists claim that the impact of the women's movement will be as profound as that of the Industrial Revolution. And it is not just a "women's" movement; it affects men as well as women, the relationship of men and women together, husbands and wives, lovers, mothers and fathers and daughters and sons, at home and at work, as well as in the academic marketplace.

We may lose some gains along the way, such as in the abortion issue, and possibly in athletics. But there is no—because so many women will work and continue to hammer away at the injustices their sisters undergo. And it will happen, too because women will be joined by many men who deeply care what happens to their wives, their daughters and their sisters.

Let me close with a newly discovered (Biblical) revelation, which reflects the mood of women today:

> And they shall beat their pots and pans into printing presses
> And weave their cloth into protest banners
> Nations of women shall lift up their voices with nations of other women
> Neither shall they accept discrimination any more

This may sound apocryphal, but I suspect it may yet prove to come from the *Book of Prophets.* For what women are learning is the politics of change. They have learned that the hand that rocks the cradle can indeed rock the boat.

*The so-called "biological" needs rarely include the need for a father.

Can There Be Anything Affirmative About Affirmative Action in the 1980s?

By Frank Newman

Recently I was privileged, with the help of the Lilly Endowment, to meet in a beautiful Rhode Island setting with a small group from around the country. All who attended the meeting shared a deep sense that higher education in this country must act now to generate both a new approach to and a new sense of purpose for affirmative action.

Rhode Island is an ideal place for such a discussion. It was created by this country's first attempt at affirmative action, and it is characterized today by an urgent need to rethink what the terms "equality of opportunity" and affirmative action" mean for the 1980s.

In the decade following Martin Luther King's death in 1967, American higher education undertook extensive efforts toward affirmative action, first to insure opportunities for minorities, then for women. Considering the normal half-life of issues in America, it has held our sustained attention over a considerable time.

Affirmative action is losing momentum. Not only is there a clear slowing of the investment of energy and resources, but the statistics show a slowdown in results as well.

The National Perspective

Now, however, as we approach the boundary line of the 1980s, two major problems have come to light. The first is that we are now far enough along to see how difficult affirmative action can be to implement. In retrospect, it is apparent that some goals of affirmative action could be accomplished by relatively straightforward approaches, and for the most part these have been achieved. Many other aspects, however, have proven more intractable. We are now left with tasks that are more complicated and stubborn than was originally perceived, and for which no easy solutions are in sight.

It was easier to help James Meredith past the Governor and into the University of Mississippi than it has been to increase the number of black faculty on the campuses of this country. It has proven easier to increase the number of women attending schools of business than the number of women deans of schools of business.

The second and more worrisome problem is that affirmative action is losing momentum. Not only is there a clear slowing of the investment of energy and resources, but the statistics show a slowdown in results as well. One has the sense these days that the public and the higher education community are questioning whether we have done enough, and even whether we have gone too far. In part this may be simply one facet of a broader public mood of questioning anything that appears related to welfare, or it may be a part of the broader questioning of the extensive use of government regulations to achieve social ends.

It may, though, have more to do with other concerns that are more specific to affirmative action. As new groups entered the lists and made their cases for public action (the handicapped and the elderly, for example), the issue was watered down. This is not to say that these are not legitimate and overdue concerns. On the contrary, it is their legitimacy that causes the problem, for when everyone is special, no one is special.

Affirmative action is also afflicted with the myth of progress, the public's sense that a great deal hasen accomplished, that we've done what was required, and that it is time now to return to our everyday concerns. And to some extent, the public may be bored with the issue.

Whatever the causes, the result has been a loss of momentum and sense of purpose. Yet I would argue that this is just the wrong time to lose momentum. As we enter the 1980s, several critical new elements that bear upon affirmative action are just becoming evident.

At the same time that interest is waning in the education of minorities, the composition of the nation's population is shifting rapidly. The minority population is growing at an unprecedented rate. In addition to the rapidly growing black population, there is an even faster growth of several Hispanic populations. The high levels of immigration, legal and illegal, mean that the Census estimates of 12 million Hispanics are probably substantially understated. Hispanic growth adds a new dimension to the ever-changing American population, as there is now such a large segment of people whose native language is Spanish rather than English. The recent history of people around the world attempting to live together while sharing two languages should, if nothing else, remind us of the importance of affirmative efforts in education.

For women, the decade of the 1980s will be a time of confrontation and crisis. By the 1970s women clearly had new and expanding aspirations. More than half of the population of women was working and increasingly understood the importance of a better education. Growing numbers of motivated and educated women are moving into professional and administrative careers, and their acceptance in the lower and middle levels of the

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hierarchy has been rapid. But at this writing, women have made almost no progress in penetrating the upper middle and upper levels of the "establishment" world. For that matter, there has been little progress in the equalization of salaries. A confrontation is in the offing as this flood tide of ambitious women comes up against the barriers of resistance to their progress in salary and position.

In raising the situations of both minorities and women, I do not mean to imply that the problems in both cases are similar—they are very different. Even the term "minorities" cannot do justice to the differences between blacks and Hispanics, nor can "Hispanics" adequately describe the differences between Chicanos and Puerto Ricans or Puerto Ricans and Cubans. It is increasingly difficult in discussing affirmative action to find adequate terminology, and increasingly urgent to create a concept of affirmative action that allows and encourages different approaches to different needs. A major flaw in our current approach is that it assumes that the same basic approach can successfully be applied to all affected parties.

What Has Been Accomplished

How can we find a new concept or the necessary new approaches to succeed with affirmative action in the 1980s? An important starting point is to recognize that the efforts of the past decade have produced some progress. It is worth reviewing what we have and have not accomplished in our two basic tasks:

- Educating women and minorities in order that they may have access to whatever level of career participation they choose.
- Providing, through our colleges and universities, both role models and significant employment opportunities for women and minorities.

The improvement in minority enrollment statistics just since 1970 is impressive. The minorities' share has increased from 8 percent to 13 percent. In absolute numbers, enrollment for Blacks has doubled, for Chicanos it has more than doubled, for Puerto Ricans it has tripled, and for native Americans it has quintupled. Well over a million minority students now attend American colleges and universities. Perhaps the most striking way to describe these gains is to say that essentially every college and university in the country has been opened to minorities and that in almost two thirds of them minorities represent at least 10 percent of the students enrolled.[1]

The share of minority professionals in the work force has doubled since 1970. For this and other reasons, more minority families are making it economically. As of last year, approximately 30 percent of black families had incomes above $15,000.[2]

Similarly, the enrollment statistics for women show progress. The share of women entering college is steadily approaching that for men.[3] The number of women entering graduate and professional schools is up sharply as well. The number of women choosing to follow careers has risen steadily for three decades. More than half of the women in the traditional working-age group are now in the work force, and they are choosing to work during a longer segment of their lives.[4]

Obstacles to Progress

Even considering the tight faculty hiring situation overall, the proportions of full-time faculty who are women, and of women with tenure, have increased only slightly. Women now constitute just over a quarter of the full-time faculty at colleges and universities.[5]

While it is true that a base has been built for affirmative action through a legal framework in federal and state laws and programs in most colleges and universities, the difficulty lies in the fact that what has *not* been accomplished is at least as impressive as what *has* been accomplished.

The increase in undergraduate and graduate enrollment of minorities has slowed. Blacks' share of total enrollments actually declined slightly in the last few years. Similarly, the total of all minorities entering medical school, as one critical example of the problem, has declined slightly.

Graduation rates from high school remain frustratingly lower for minority students. There are still far too few that have adequate backgrounds in science or mathematics; so their clustering in the social sciences, business and education continues. Attrition rates in college and in graduate school are higher for minority students. A larger proportion attend community colleges than attend universities.

The hiring of black, Hispanic, and native American faculty lags badly. One (but only one) cause is the small number of new minority PhDs graduated each year. The growth in minority faculty is further hampered by what has become known euphemistically as the "tenure hurdle."

While women have made strong gains in entering and graduating from all sorts of undergraduate, graduate and professional programs, including many that were formerly all male, two major problems remain: the opportunity for good jobs and good salaries.

Although the number of women faculty has inched slowly upward, the number of women in senior administrative posts within universities and colleges has made essentially no gain in the past decade. Similar patterns have been found in business and government. In all three areas, a few important exceptions can be found. There is a woman president of the University of Chicago, a woman mayor of Chicago, and women governors in Washington and Connecticut. These are significant, if not numerous accomplishments. In a country that has over one hundred and ten million women, this can hardly be called an avalanche. And not only has access to the best jobs proved elusive for women, but so has equal pay. Average earnings for women seem to be locked at about 60 percent of male earnings.

For both women and minorities the problem of most concern is that the whole process of affirmative action seems to be stalled. In some ways, counter movements seem to have taken the initiative. From the courts we hear about *Bakke, DeFunis,* and *Weber.* Such cases, at least so far, have not created major *legal* problems for affirmative action. What they have done is let the steam out of the movement, partly by reducing the fear of external (that is to say federal) action, and partly by creating a mood that seems to say times have changed.

But the stalling process comes not only from court cases. There is an intellectual assault from the right on the *concept* of affirmative action, arguing increasingly for a separation of non-discrimination from affirmative action. The *Bakke* case sharpened this argument by pitting two critical principles against each other—egalitarianism and merit—in a way that is difficult to resolve. In the daily life of the university one wonders whether this ambiguity has not become merely a vehicle for a courteous retreat from a difficult task.

As if all these problems were not enough, affirmative action faces some new problems.

(1) It is increasingly difficult for administrators in higher education to take risks. In periods of tight budgets and even retrenchment it is awkward, if not impossible, to use money incentives, such as the promise of new positions, for affirmative-action goals. Department chairmen and eans, who are already overwhelmed by the task of educating faculties reared in the 1950s and 1960s to the realities of life in the 1980s, are increasingly reluctant to spend their political capital to push for the hiring of a woman faculty member or the admission of a Chicano graduate student.

(2) The success of desegregating the predominantly white colleges has led to an excruciating dilemma for the predominantly black colleges. While the critical role black colleges play is clear, the legal and moral way to keep black colleges black while insuring that formerly white colleges are integrated is not clear. Nor is it clear how to go about assisting in the nurturing of the new Chicano, Puerto Rican, and native American colleges. Is it appropriate, or is it even possible—considering the very different cultural histories—to design a set of colleges for these newly emergent minorities that could play the role the black colleges, with their long social and educational traditions, continue to play?

(3) There is a growing split in the minority communities between those who are making it and those who are not. The assurance of minority success in a world of inflation and economic uncertainty is fragile. On which segment should public policy in higher education focus? Should our efforts be devoted to expanding the upwardly mobile group and solidifying their gains, leaving the problem of the least advantaged to others? Or should higher education, as it did a decade ago, attempt to reach out to everyone?

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New Opportunities

But although there are new problems, there are new opportunities as well. There is now a sizeable group of active and successful minority and women professionals, whose ranks grow each year. They are increasingly aware of their political clout. If they persist, it is unlikely that society can resist their demands for a fuller role.

As the number of high school graduates begins to decline starting next year, colleges and universities are likely to become more aggressive in their recruiting efforts. A likely result is the improvement of minority access, particularly to four-year institutions.

The job market is rapidly improving for college graduates, and it will improve much more as we move into the 1980s. This will mean strikingly better opportunities at the entry levels (except for teaching positions in the schools and faculty positions in higher education).

How can we capitalize on these advantages as well as the work of the past decade? How can we seize the opportunities of the moment? How can we turn our frustrations with the slow current pace of affirmative action into something more dynamic, something that creates a sense of excitement and a regeneration of enthusiasm? What formulation of the need, not based on guilt or on fear, but on justice and social benefit, can be put forward to recapture the public's confidence and support?

I have a few rudimentary ideas that may be worth exploring. First, it is important that we maintain the base of programs already in place, aimed primarily at ending overt discrimination through the legal and regulatory process. That base of laws and programs has not by itself proven equal to the task of addressing successfully the more difficult tasks ahead, but that is no reason to dismantle it. We need today's affirmative action achievements to act as a ratchet, to prevent us from slipping backward.

Beyond that, what we need is an entirely new concept, superimposed on top of our current concept of affirmative action. It is essential that we refocus the affirmative part of our efforts at broadening the stream of those who are upwardly mobile, through the vehicle of higher education. The primary goal on which national policy has been focused in recent years has been to insure that every college and university have a program that prevents discrimination and redresses imbalances in employment. It is primarily a focus on how to prevent institutions from doing anything wrong.

We need instead to get beyond the charade of complex and lengthy documents that prove on paper that each institution has an affirmative action program and create an effort that encourages institutions to act effectively. This would require new methods of reaching affirmative action goals. I would suggest several.

First, programs ought to be structured to concentrate on the most motivated individuals and the most motivated institutions. We have been hobbled in the past by the insistence that every law and every program treat everyone the same. But our goal for *at least part* of what we do should be maximum effectiveness, not equalness of action.

Let the basis of affirmative action be an insurance that every institution comply with the minimum criteria established by the present laws and that each individual's rights be protected. Then let our new efforts focus on the greatest opportunities, which are likely to be with those

most interested in action.

Also, we need to focus our new efforts on incentive strategies, not disincentive strategies. *Most* of our affirmative action efforts follow the models developed by the Office of Civil Rights (OCR) or the Equal Employment Opportunity Commission (EEOC). Why not create a competitive grant system, modeled perhaps on the Fund for the Improvement of Postsecondary Education (FIPSE)? Interested and aggressive institutions could apply for funding for their ideas on, for example, how to increase the number of black students in engineering—or how to accelerate the number of women moving into senior positions. There are a few such efforts now, but the scale and the range of opportunities are far too limited.

Others I have spoken with suggested that we need to rethink the role of the affirmative action officer; that we need to consider means of creating a social audit comparable to our current financial audit; and that we need to identify and publicize programs that have been effective.

No doubt we need to do these things and more. But most of all, we need a new sense of purpose, a new strategy, a new name for a renewed concentration on assuring education and upward mobility for a much broader stream of American society—and a new sense of confidence that this can be done.

Footnotes

[1]Lorenzo Middleton, "Minorities' Share of College Enrollment, Only 8 Percent in 1969, Was 13 Percent in 1977," *The Chronicle of Higher Education,* Vol. XVII, No. 7, p. 18.

[2]Eric Foner, "Bakke Reconstructed," *The Chronicle of Higher Education,* Vol. XVI, No. 3, p. 48.

[3]Jack Magarrell, "Women Account for 93 Percent of Enrollment Gain," *The Chronicle of Higher Education,* Vol. XV, No. 17, p. 1.

[4]Teresa J. Odendahl and Leslie E. Smith, "Women's Employment," *Comment,* Vol. II, No. 1, p. 1.

[5]Mary Crawford, "Climbing the Ivy-Covered Walls," *Ms.,* November 1978, pp. 61-63, 91-93.

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